

# Protect Our Historical Use of Road Ends

## Reject HB 4576, Support Real Local Control

- While many people on Higgins Lake would be negatively affected by HB 4576 due to the large number of public road ends on that lake, this is not a Higgins Lake issue. It would apply to all 11,000 of Michigan's inland lakes including the vast majority that have never been litigated. It has the potential to devastate tourism and small businesses at lakes that have historically allowed for the placement of hoists at road ends as a means for back lot property owners to access the water. This bill would hurt local property values in the areas that surround these lakes and reduce the local tax base.
- Most road ends at Higgins Lake have been dedicated "for the use of the public." At these road ends which have been already litigated, the courts have allowed for ingress and egress and one non-exclusive dock. These are the only use the courts have found to exist in common law and past case law. The courts have asked the Legislature to address this issue. Simply creating statutory law that reflects case law is a bad practice as it subverts the function of the Legislature to the judiciary, which unlike the Legislature, is not focused on what is in the best public interest when making decisions.
- The dedication language "for the use of the public" is ambiguous and could include many uses of those public road ends. To allow local governments to issue permits for the temporary placement of private hoists at these road ends is no different than selling permits to place a private tent on a public campground. To say this is a private taking of public lands is an attempt by riparian organizations to mask their real intent –restricting public access to Michigan's lakes. Hoists at road ends do not prevent ingress and egress of small maneuverable watercraft. Larger boats are not able to be launched at most road ends because the water is not deep enough to float them off a trailer.
- Article 3, Section 29 of the Michigan Constitution gives local governments the right to regulate their highways, streets, alleys, sidewalks, and public places. In Roscommon County, the county road commission has transferred its authority over county road ends to the township. Our township is in a far better position to regulate the use of our road ends, not the Michigan Legislature. Only real local control will address the road ends issue at lakes in Michigan with different local histories and local cultures regarding the use of their road ends. This issue is a classic case for advocates of local control.
- The people seeking to close road ends to hoists at Higgins Lake are limited in number but not in wealth. They have been able to hire lobbyists to protect their interest. They spent \$200,000 last year alone in legal expenses to deny their neighbors the ability to put hoists at road ends this summer. The people do not reflect even the majority opinion of lakefront property owners on Higgins Lake. The far majority of people living in the Higgins Lake area do not support their goals.

-Kelly Huntsman and Kathy Johnson

(residents of Taylor, Michigan and property owners at Higgins Lake, Michigan)